



# HAZMAT NEWS

## Compliance Matters



2022 ANNUAL NEWSLETTER

### State Surcharge Increase

The California Environmental Protection Agency (CalEPA) increased the State Surcharge for Certified Unified Program Agency (CUPA) Oversight from the current \$49 to \$84 per regulated business annually effective July 1, 2021. After four years, the State Surcharge will decrease to \$57.

Alameda County Department of Environmental Health (ACDEH) has been authorized to collect the increased surcharge starting fiscal year July 1, 2022 to June 30, 2023 to allow permitting of affected businesses without delay this fiscal year, assessment of all businesses at the same time, and advance notification concerning this increased surcharge. Beginning July 1, 2022, you will see the following amounts for the State CUPA Oversight Administrative Fee (Surcharge) on your annual CUPA invoice:

Fiscal Year	State CUPA Oversight Administrative Fee
July 1, 2022 to June 30, 2023	\$168 (\$84 x 2)
July 1, 2023 to June 30, 2024	\$84
July 1, 2024 to June 30, 2025	\$84
July 1, 2025 to June 30, 2026 and onwards	\$57 (\$84 - \$27)

### Annual HMBP Certification

Facilities in the Hazardous Materials Business Plan program must annually update and submit their plans to CERS, or certify that the existing information in CERS is still accurate. Criteria for the certification feature in CERS include no changes from the last HMBP, last HMBP submitted within 36 months, and not subject to EPCRA or APSA. More criteria can be found in CERS.

Visit [cers.calepa.ca.gov](https://cers.calepa.ca.gov) to submit and/or certify facility documents and for additional information.

### Waste Tire Recycling

Waste tire fires can release cancer-causing chemicals into the air. Waste tire recycling diverts more than 51 million waste tires to recycled materials such as sprayable rubberized concrete.

Check out the latest publication in the link below from CalRecycle to understand one of the positive impacts of Waste Tire Recycling. This report has been produced under contract for CalRecycle and provides a basic overview of Rubberized Asphalt Concrete.

[www2.calrecycle.ca.gov/Publications/Details/1707](https://www2.calrecycle.ca.gov/Publications/Details/1707)

### Permanent Closure of Single-Walled UST Systems Is Fast Approaching

Senate Bill 445 requires the permanent closure of single-walled tanks and piping by December 31, 2025. This date will not be extended! UST Owners/Operators should begin the UST closure process as soon as possible to avoid any further increase in cost, limited contractor availability and equipment supply issues. Beginning January 1, 2026, facilities not in compliance may be liable for civil penalties up to \$5,000 per day, per violation, per tank.

There are loans and grants available from the State Water Board for tank removal, new tank installation, and cleanup of unauthorized releases. Funds are limited and applications will only be accepted until December 31, 2024, **so it is important to apply and complete work early.**

Visit [waterboards.ca.gov/ust/single\\_walled](https://waterboards.ca.gov/ust/single_walled) for additional information and requirements

Please contact [DEHUST@acgov.org](mailto:DEHUST@acgov.org) to schedule any UST work.

### REMINDER

Notify ACDEH if your facility:

- Is no longer subject to CUPA requirements
- Relocated
- Closed

Please contact [DEHCERS@acgov.org](mailto:DEHCERS@acgov.org) for assistance.

## Emergency Venting on Stationary Double-Walled Aboveground Storage Tanks

The Aboveground Petroleum Storage Act (APSA) regulates facilities with either 1,320 gallons aggregate of petroleum storage in aboveground tanks or stationary tanks in an underground area (TIUGA) of greater than 55 gallons.

Aboveground tanks require proper normal and emergency venting. UL listed emergency vents (pressure relief only) help prevent tanks from becoming over-pressurized and rupturing if exposed to fire. Tank appurtenance manufacturers can help with calculating and providing the appropriate normal and emergency vents for both primary and secondary containment. Correct application requires proper vent size and selection for the tank system to meet venting capacity requirements.

Proper emergency venting is crucial to the compliance of aboveground storage tanks. Contact ACDEH for questions.



Tank with proper emergency vents and secondary containment

## Preventing Stormwater Pollution from Outdoor Work Activities

Storm drains flow directly into creeks and the San Francisco Bay without any treatment. The water and wastes from outdoor activities at your facility can easily cause pollution because of this direct connection. If water and wastes from your facility do enter the storm water system, your facility may have to pay for cleanup costs and fines, or even go to jail for causing stormwater pollution.

The following work should be performed indoors to prevent stormwater pollution:

- Any activities that might generate small particles or dust, like metal filings, brake dust, paint chips, etc. from sanding, painting, or brake removal
- Activities that might spill liquids, such as oil changing, radiator work, parts cleaning, etc.

If work cannot be performed indoors, use the following Best Management Practices (BMPs) to prevent stormwater pollution and prevent you from possible fines/clean up costs:

- Use drip pans, secondary containment, and absorbents to control spills
- Inspect vehicles for drips and utilize drip pans
- Drain fluids from leaking or wrecked vehicles immediately
- Fluids from drip pans and draining fluids should be transferred to proper disposal containers (used oil tanks/drums, etc.). Do not leave drip pans with fluid unattended
- Store parts and equipment inside or in enclosed areas. Raise and cover all outdoor storage, especially new or used vehicle parts, metals, or potential pollutants

By utilizing these BMPs, your facility can help prevent stormwater pollution and contribute to a cleaner community.

## How to Fix Common CUPA Violations

### HAZARDOUS MATERIAL BUSINESS PLAN

- Submit and/or certify annually that the business plan is complete and accurate on or before the annual due date for all facilities handling hazardous material at or above reportable quantities
- Provide employees with initial and annual training and maintain these records for at least three years

### HAZARDOUS WASTE GENERATOR

- Keep containers containing hazardous waste labelled properly and closed unless adding or removing waste
- Maintain signed copies of Uniform Hazardous Waste Manifest for 3 years
- Inspect containers at least weekly
- Post emergency information and procedures

### TIERED PERMITTING

- Keep complete hazardous waste tank system assessment on file at facility
- Revise Closure Cost Estimate for a Closure Plan and/or cost change annually, adjusting for inflation
- Maintain records for inspections and for conducting hazardous waste treatment onsite for five years
- Submit TP Phase I Assessment (not an ASTM Phase I)

### ABOVEGROUND PETROLEUM STORAGE

- Keep signed inspection and integrity testing procedures and records for three years
- Prepare and implement SPCC plan
- Provide training for employees for facility operation and maintenance of equipment, discharge procedures, laws and regulations, and SPCC plan

### UNDERGROUND STORAGE TANKS

- Submit complete and accurate UST Operating Permit Application and financial responsibility documents
- Keep current UST monitoring plan accessible at the facility
- Complete DO inspections at least every 30 days and meet all requirements
- Properly install, calibrate, operate, and maintain line leak detection equipment

### CAL ACCIDENTAL RELEASE PREVENTION

- Train employees on process overview, procedures, emergency operations, and safe work practices
- Document the names or positions and lines of authority
- Ensure that the RMP is certified complete by a qualified person and the owner/operator

Alameda County Department of Environmental Health Hazardous Materials Division / CUPA

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Comments or concerns? If there are differing opinions on the result of the findings made during the inspection and you cannot resolve the matter with your inspector to your satisfaction, we have a process for review. Please feel free to contact us for more information or suggestions that would improve our services to you.